



April 18, 2001

VIA FACSIMILE AND REGULAR MAIL

Craig Melodia, Esq.
Assistant Regional Counsel
U.S. EPA, Region V
Office of Regional Counsel (C-14J)
77 West Jackson Boulevard
Chicago, IL 60604-3590

Re: CERCLA Section 104(e) Request for Information to Mr. Martin Clarke

Dear Mr. Melodia:

This letter will acknowledge receipt of the U.S. EPA's Request for Information pursuant to Section 104(e) of CERCLA addressed to my client, Mr. Martin Clarke. I received this request on April 11, 2001. At this time, I am seeking some indication of U.S. EPA's reasons for further investigating my client in regard to the Skinner Landfill site.

First and foremost, Mr. Clarke believes neither he nor his companies should be a PRP at this site. In the many years over which this matter has been investigated, there has never been any evidence produced by any party which indicates that my clients, Clarke Container, Inc. and Clarke Incinerator, Inc., transported anything other than innocuous construction and demolition debris to the Skinner Landfill. I would appreciate it if you would supply me with the foundation for your belief otherwise. Mr. Clarke and his companies have already expended a great deal of money addressing these issues, and it seems unjust to unnecessarily inflict additional expense on them.

Second, as you are no doubt aware, my clients did not sign the Fourth Tolling Agreement for the Skinner Landfill site. Therefore, we believe that U.S. EPA may have waived its right to pursue my clients for its past response cost because of the running of the statute of limitations. I would appreciate it if you would provide me with U.S. EPA's position in this regard. Particularly, if U.S. EPA believes that the statute of limitations has not yet run, I would appreciate an explanation of the legal basis of U.S. EPA's position.

Finally, in regard to your request for information under Section 104(e), I realize that there is no statute of limitations which bars U.S. EPA from requesting this information from my clients. In response to your request, my clients will provide all of the information already supplied to the Allocator in the ADR process. I believe that this

David J. Schmitt *direct dial* (513) 852-2587

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will only further highlight the fact that my clients have not transported any hazardous substances to the site.

Thank you for your attention to the above issues. I look forward to hearing from you in the near future.

Sincerely,

A handwritten signature in black ink, reading "David J. Schmitt". The signature is written in a cursive style with a large, stylized "D" and a long horizontal stroke at the end.

David J. Schmitt

DJS:tls

c: Mr. Martin Clarke
Jeffrey J. Harmon, Esq.